

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 1-14 are currently pending in this application. Claim 2 is canceled without prejudice and the subject matter of claim 2 has been incorporated into claims 1 and 6. Claim 24, drawn to non-elected subject matter, is canceled. Claims 1 and 6 are amended. In the specification, paragraphs [0013], [0015], [0029.1], [0030], [0041], [0043], and [0046] are amended.

Confirmation of Election

Applicants hereby confirm the telephonic election of claims 1-14 made on December 6, 2007.

Claim Rejections - 35 USC §103(a)

Claims 1-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0083069 to Vadgama (hereinafter "Vadgama") in view of U.S. Patent No. 6,473,602 to Bottomley (hereinafter "Bottomley") and further in view of U.S. Patent No. 5,822,313 to Malek et al. (hereinafter "Malek").

Claims 1 and 6 recite determining currently used uplink and downlink timeslots of the WTRU in a current cell/sector; using the determined currently used uplink and downlink timeslots to identify different uplink and downlink timeslots

in a handover cell/sector. The currently used uplink and downlink timeslots are not determined only for the purposes of the current communication. Rather, the uplink and downlink timeslots are determined to identify different timeslots in a handover cell or sector in a soft/softer handover operation. Additionally, claims 1 and 6 recite that a timeslot that has an opposite transmission direction in the current cell/sector than a transmission direction in the handover cell/sector is not assigned. That is, a timeslot that is an uplink timeslot in the current cell/sector but is a downlink timeslot in the handover cell/sector is not assigned for handover, and vice versa.

Vadgama discloses transmitting data between base stations and mobile units over the air using CDMA (paragraph 0073). The Examiner cites Vadgama on the premise that if communication is occurring between the base stations and the mobile units, then the system must be making use of the uplink and downlink timeslots. However, there is no teaching in Vadgama that discloses determining the uplink and downlink timeslots in a current cell or sector and identifying different uplink and downlink timeslots in a handover cell or sector. Vadgama also does not disclose that a timeslot with an opposite transmission direction in the current cell/sector than a transmission direction of the handover cell/sector is not assigned.

Bottomley discloses a mobile assisted hand-off apparatus which may select a time slot to distinguish between control channels and data channels. Bottomley distinguishes between timeslots allocated for the control channel versus timeslots

allocated for the data channel because measuring signal quality would provide an inaccurate indication of the signal strength of the traffic channel (column 5, lines 4-19). Bottomley does not disclose determining uplink and downlink timeslots in a current cell/sector and identifying different uplink and downlink timeslots in a handover cell/sector, nor does Bottomley disclose not assigning a timeslot for handover where the timeslot has an opposite transmission direction in the current cell/sector than a transmission direction in the handover cell/sector. Therefore, Bottomley does not cure the deficiencies of Vadgama.

Malek discloses a seamless handover technique where transmissions are made in two timeslots (the original slot and the handover slot) within the same frame. Also during the same frame, data is received at two separate slot times (column 3, lines 2-6). The base stations involved in the handover and the wireless telephone transmits/receives slots and frames in synchronization so as to align the various slot times within a frame throughout the TDMA system (column 2, lines 50-53). Malek does not disclose that a timeslot in the current cell/sector with an opposite transmission direction than a transmission direction of the handover cell/sector is not assigned.

For the reasons presented above, the cited references when considered alone or in combination do not disclose or teach all the elements of claims 1 and 6.

Therefore, claims 1 and 6 are patentable over the cited references for the reasons given above.

Regarding claim 2, claim 2 has been canceled without prejudice, therefore the rejection of claim 2 is moot. The subject matter of claim 2 has been incorporated in claims 1 and 6. The Examiner cites Bottomley as disclosing that the system assigns handover cell/sector downlink and uplink timeslots having the same direction as timeslots in the current cell/sector. However, Bottomley discloses multiple timeslots in a frame, some of which are for the uplink and some for the downlink. Bottomley further discloses that not all the timeslots in a frame are used, and therefore, the additional timeslots may be used for handover operations (column 2, lines 3-16). Bottomley does not disclose nor suggest that when performing a handover, that a timeslot in a current cell/sector with an opposite transmission direction than a transmission direction of the handover cell/sector is not assigned in the handover operation. Therefore, amended claims 1 and 6 are patentable over Bottomley in view of Vadgama and Malek.

Claims 2-5 and 7-14 are dependent upon claims 1 and 6, and the Applicants believe these claims are allowable over the cited references for the same reasons provided above.

Based on the arguments presented above, withdrawal of the 35 U.S.C. §103(a) rejection of claims 1-14 is respectfully requested.

Applicant: Cave et al.
Application No.: 10/748,775

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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